

REMARKS/ARGUMENTS

The Office Action mailed June 30, 2004 has been reviewed and carefully considered. Claims 13-16 are canceled. Claims 4-6 are currently withdrawn as being drawn to a non-elected embodiment. Claims 1-12 and 17-18 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed June 30, 2004, claims 1-3, 7-10, and 17-18 stand rejected under 35 U.S.C. §103 as unpatentable over DE 35 23 610 (Gudymov) in view of U.S. Patent No. 2,231,295 (Price).

Claim 11 stands rejected under 35 U.S.C. §103 as unpatentable over Gudymov and Price in further view of U.S. Patent No. 4,637,823 (Dach).

Claim 12 stands rejected under 35 U.S.C. §103 as unpatentable over Gudymov, Price, and Dach, in further view of U.S. Patent No. 4,340,397 (Schulz).

The specification has been amended to correct a translation error. The present specification recites "fly stream gasification". However, the proper term is -- entrained flow gasification --. Attachment 1 to this amendment is a web page showing the different gasifier technologies: fixed-bed, fluidized-bed, and entrained-flow. It is respectfully submitted that those skilled in the art would realize that "fly stream" gasification should be --entrained flow--gasification.

In the rejection of the claims, the Examiner has combined the teachings of Gudymov, which relates to a reactor furnace, with the teachings of Price, which relates to a power plant boiler system in which the power plant is an internal combustion engine (ICE). As correctly stated in the Office Action, "In order to rely on a reference as a basis for a rejection of the

applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetiker*, 911 F.2d 1443, 1446, 24 USPQ2d, 1443, 1445 (Fed. Cir. 1992).

Independent claim 1 is directed to a gasification reactor vessel. As stated above, Price is directed to a power plant boiler system and discloses that the power plant includes a cylinder 1 for an internal combustion engine (ICE) (see page 2, left column, lines 62-63). Attachment 2 to this amendment is an excerpt from Encyclopedia Britannica Online which states that the goal of combustion is to produce the maximum amount of heat possible by oxidizing all the combustible material and the goal of gasification is to convert most of the combustible solids into combustible gases such as carbon monoxide, hydrogen, and methane. Based on these diverging goals, Price fails the first part of the test for an analogous reference because an ICE, as disclosed by Price, can not be considered to be in the same field of endeavor as a gasification reactor vessel, as claimed in independent claim 1.

Regarding the second part of the test for analogous art, the present invention is concerned with providing cooling to a gasification reactor vessel pressure shell while at the same time preventing condensate from forming on the inside of the pressure casing because the condensate causes corrosion (see page 4, lines 3-7; and page 5, lines 2-5 of the present specification). In contrast, the object of Price is to conserve heat that is normally wasted (see page 1, right column, lines 10-15). Furthermore, Price fails to teach or suggest that condensation in the cylinder 1 of the ICE is a problem. Accordingly, Price can not be considered reasonable pertinent to the problem with which the present invention is concerned; namely, the prevention of condensation of water in the reaction space of the reactor pressure vessel of a gasification reactor.

Since Price fails both tests for analogous art, Price can not be considered as a basis for a rejection of the applicant's presently claimed invention. That is, Price is not applicable as prior art for the presently claimed invention.

In view of the above remarks, it is respectfully submitted that independent claim 1 is allowable over the prior art of record.

Dependent claims 2-13 and 17-8, being dependent on independent claim 1, are deemed allowable for at least the same reasons expressed above with respect to independent claim 1.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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